

# United States District Court

SOUTHERN

DISTRICT OF

NEW YORK

The Annuity, Pension, Welfare and Apprenticeship  
Skill Improvement & Safety Funds of the  
International Union of Operating Engineers Local  
137, 137A, 137B, 137C & 137R et al.

## SUMMONS IN A CIVIL CASE

V.

CASE NUMBER:

Daniel A. Budd Excavating & Contracting, LLC  
and Budd Brothers Construction, Inc.

07 CIV. 3698

JUDGE CONNER

TO: (Name and address of defendant)

Daniel A. Budd Excavating & Contracting, LLC  
10 Charles Street, Suite B  
Pleasant Valley, New York 12569

Budd Brothers Construction, Inc.  
10 Charles Street, Suite B  
Pleasant Valley, New York 12569

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

BRADY McGUIRE & STEINBERG, P.C.  
603 WARBURTON AVENUE  
HASTINGS-ON-HUDSON, NEW YORK 10706

an answer to the complaint which is herewith served upon you, within Twenty (20) days after service of this  
summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for  
the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period  
of time after service.

CLERK

CLERK

DATE

MAY 10 2007

(BY) DEPUTY CLERK

## AFFIDAVIT OF SERVICE ON A CORPORATION BY THE SECRETARY OF STATE

Index # 07 CIV. 3698

Purchased/Filed: May 10, 2007

State of New York

U. S. District Court

Southern New York County

The Annuity, Pension, Welfare and Apprenticeship Skill Improvement &amp; Safety Funds of the Plaintiff

against

Daniel A. Budd Excavating &amp; Contracting, LLC and Budd Brothers Construction, Inc. Defendant

STATE OF NEW YORK )  
 COUNTY OF FULTON ) SS  
 CITY OF GLOVERSVILLE )

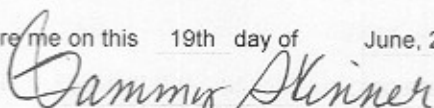
Gerald Skinner, being duly sworn, deposes and says: deponent is over the age of twenty-one (21) years; that on June 19, 2007, at 8:08AM, at the office of the Secretary of State of the State of New York in the City of Albany, New York, deponent served the annexed Summons in a Civil Case and Complaint, on Budd Brothers Construction, Inc.

Defendant in this action, by delivering to and leaving with Carol Vogt AUTHORIZED AGENT in the Office of the Secretary of State of the State of New York, personally at the Office of the Secretary of State of the State of New York, two (2) true copies thereof and that at the time of making such service, deponent paid said Secretary of State a fee of 40.00 dollars; that said service was made pursuant to Section 306 Business Corporation Law.

Deponent further says that deponent knew the person so served as aforesaid to be the agent in the Office of the Secretary of State of the State of New York, duly authorized to accept such service on behalf of said defendant.

Description of the person served: Approx. Age: 49 Approx. weight: 110 Approx. Ht.: 5'1"  
 Sex: Female Color of skin: White Color of hair: Brown Other:

Sworn to before me on this 19th day of June, 2007



TAMMY SKINNER  
 NOTARY PUBLIC, State of New York  
 01SK6024054  
 May, 03 2011



Invoice•Work Order # 062065